

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 19-cv-1319-pp

TODD A. DYER,

Defendant.

**ORDER DENYING DEFENDANT'S MOTION FOR APPROVAL TO INITIATE,
PARTICIPATE IN OR CONTINUE LITIGATION IN ANY STATE OR FEDERAL
LAWSUIT OR APPEAL AGAINST ANY WITNESSES OR VICTIMS IN
CRIMINAL CASE NOS. 15-cr-115 (E.D. WIS.) AND 16-cr-100 (E.D. WIS.)
(DKT. NO. 65)**

The defendant filed this motion seeking the court's permission to continue civil lawsuits against the victims and witnesses in his federal criminal cases, United States v. Dyer, 15-cr-115 (E.D. Wis. 2015) and United States v. Dyer, 16-cr-100 (E.D. Wis. 2016) (or to initiate suits in cases where his state suits had been dismissed). Dkt. No. 65. As noted at the March 23, 2021 hearing, the court is stymied by this motion. It seeks leave to do what the government filed this lawsuit to prevent the defendant from doing. If, after an evidentiary hearing, the court rules in favor of the government, it will issue a protective order preventing the defendant from doing what he asks to do in this motion. If the court rules in the defendant's favor after the evidentiary hearing, he will not need to file a motion to litigate against the victims and witnesses of his criminal convictions.

The court understands that the defendant insists he is innocent of the charges in Case No. 15-cr-115. The court has noted, more than once, that that issue has been decided. The defendant pled guilty to those charges. When the court refused to allow him to withdraw his guilty plea, he appealed; the Seventh Circuit affirmed his conviction. That ship has sailed, and the court has said more than once that it will not allow the defendant to attack his criminal conviction through this civil lawsuit.

The court also understands that the defendant says he wants to sue victims/witnesses in Case No. 15-cr-115 for events that occurred after the date on which the government alleged that his fraud in that case ended. See Dkt. No. 65 at 5-7. But the defendant alleges that when prosecuting him in the 2015 fraud case, the government behaved inappropriately in alleging losses that the defendant claims did not exist. This is nothing more than another way of attempting to collaterally attack his conviction.

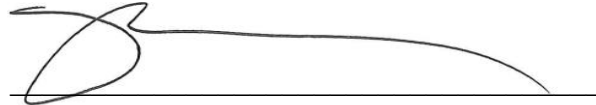
The court *will* resolve this lawsuit. There will be an evidentiary hearing, after which the court either will grant the relief the government requests and prohibit the defendant from initiating or continuing legal proceedings against the victims or witnesses of his federal crimes, or it will deny that relief and the defendant may proceed as he sees fit. The court will not short-circuit that process via a defense motion seeking to do what the government seeks to prevent.

The court **DENIES** the defendant's motion for approval to initiate, participate in or continue litigation in any state or federal lawsuit or appeal

against any witnesses or victims in criminal case nos. 15-cr-115 (E.D. Wis) and 16-cr-100 (E.D. Wis.). Dkt. No. 65.

Dated in Milwaukee, Wisconsin this 26th day of April, 2021.

BY THE COURT:

A handwritten signature in black ink, consisting of a large, stylized 'P' followed by a long horizontal stroke that tapers to the right.

HON. PAMELA PEPPER
Chief United States District Judge